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PATENT
1340-1-016N 3/23/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

APPLICANT : RODGER NOVAK AND ELAINE I. TUOMANEN
SERIAL NO. : 09/305,984 EXAMINER : L. LEE
FILED : MAY 5, 1999 ART UNIT : 1645
FOR : NOVEL ANTIBIOTICS AND METHODS OF USING THE SAME

Certificate of Mailing Under 37 CFR 1.8

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Michael D. David, Reg. No. 39,161
(Name of Registered Rep.)

Betty Schuttz 3/15/01
(Signature and Date)

NOTICE OF APPEAL

ASSISTANT COMMISSIONER FOR PATENTS
BOX AF
WASHINGTON, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Decision dated November 29, 2000 of the Primary Examiner finally rejecting claims 34-39, 68, and 69.

As Applicant qualifies as a small entity, a check is enclosed in the amount of \$155.00.

A Petition is being filed simultaneously herewith, extending to the time period for one month(s) for responding to the final Office Action.

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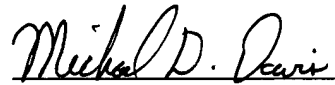
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Please charge any additional fees or credit any overpayment to the undersigned firm's
Deposit Account No. 11-1153. A duplicate copy of this paper is enclosed for your convenience.

Applicants reserve the right to request an Oral Hearing.

Respectfully submitted,


MICHAEL D. DAVIS
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Registration No. 39,161

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Date: March 15, 2001